

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapters 5.34 and 5.42 of the Lincoln Municipal
2 Code relating to Pawnbrokers and Secondhand Jewelry and Watch Dealers, respectively, by
3 amending Section 5.34.050 to require pawnbroker forms to be typewritten or machine printed
4 and to require recording of specific identifying marks; amending Section 5.34.060 to add
5 pawnbroker employee to those required to submit daily reports to the Chief of Police;
6 amending Section 5.42.070 to require secondhand jewelry and watch dealer forms to be
7 typewritten or machine printed; amending Section 5.42.080 to change the phrase "record of
8 transactions" to "form for each transaction"; amending Section 5.42.100 to extend the time
9 of retention of secondhand jewelry or secondhand watches purchased by a dealer from 72
10 hours to 14 days; amending Section 5.42.110 to make requirements for purchasing
11 secondhand jewelry consistent with requirements for pawning goods; and repealing Sections
12 5.34.050, 5.34.060, 5.42.070, 5.42.080, 5.42.100, and 5.42.110 of the Lincoln Municipal
13 Code as hitherto existing.

14 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

15 Section 1. That Section 5.34.050 of the Lincoln Municipal Code be amended
16 to read as follows:

17 **5.34.050 Records to be Kept; Contents; Inspection.**

18 (a) All persons who shall be engaged in the business of pawnbroking shall keep a
19 ledger and complete a card form to be furnished by the City on which shall be legibly ~~written~~
20 ~~in-ink~~ typewritten or machine printed at the time of any loan or purchase, the following
21 information:

- 1 (1) Date of the loan or purchase;
- 2 (2) The name of the person from whom the property is purchased or
3 received, such person's signature, date of birth, and driver's license number or other means
4 of identification;
- 5 (3) A full and accurate description of the property purchased or received,
6 including all identifying marks, including but not limited to any manufacturer's identifying
7 insignia, serial number, ~~or both;~~ initials, letters, numbers, names, as well as color(s) of item
8 and any other characteristic which appears on the item;
- 9 (4) The time when any loan becomes due;
- 10 (5) The amount of purchase money or money lent, and any loan charges for
11 each item; and
- 12 (6) The identification and signature of the clerk or agent for the business who
13 handles the transaction.
- 14 (b) Entries shall not in any manner be erased, obliterated, or defaced. The person
15 receiving a loan or selling property shall receive at no charge a ~~plainly written or printed~~
16 ~~ticket for the loan, or a plainly written or printed receipt for the articles sold containing a copy~~
17 ~~of the entries form~~ required to be completed by this section.
- 18 (c) Every pawnbroker or employee of a pawnbroker shall admit to the pawnbroker's
19 premises at any reasonable time during business hours any law enforcement officer for the
20 purpose of examining any property or records on the premises, and shall allow such officer
21 to place restrictions on the disposition of any property for which a reasonable belief exists that
22 it has been stolen.

1 Section 2. That Section 5.34.060 of the Lincoln Municipal Code be amended
2 to read as follows:

3 **5.34.060 Daily Report; Contents.**

4 It shall be the duty of every such pawnbroker and employee to make out and deliver
5 to the Chief of Police every day before the hour of 12:00 noon, a legible and correct copy
6 ~~from the book~~ of the form required in Section 5.34.050 hereof of all personal property or other
7 valuable things received, deposited, or purchased during the preceding day, together with the
8 time when received or purchased and a description of the person or persons by whom left in
9 pledge.

10 Section 3. That Section 5.42.070 of the Lincoln Municipal Code be amended
11 to read as follows:

12 **5.42.070 Record of Transactions.**

13 Every dealer shall keep a ~~book~~ form provided by the Chief of Police in which shall be
14 legibly ~~recorded with ink in the English language~~ typed or machine printed at the time of each
15 transaction in the course of the dealer's business in the City of Lincoln, an accurate account
16 of each transaction involving the purchase of any secondhand jewelry. The record shall
17 contain an accurate description of the secondhand jewelry, the name, address, and description
18 of the person selling the same, the permit number of the dealer, and the description of the
19 form of identification used to verify the seller's identity.

20 Such book shall be open during all business hours to inspection of any police officer
21 of the City of Lincoln.

22 Section 4. That Section 5.42.080 of the Lincoln Municipal Code be amended
23 to read as follows:

1 **5.42.080 Reports to Police.**

2 Every dealer shall deliver daily to the Chief of Police a clear, legible copy of the ~~record~~
3 of form for each transactions required in Section 5.42.070 above. Delivery may be made by
4 mailing said copies by regular first class U.S. mail, postage prepaid, to the Chief of Police.

5 Section 5. That Section 5.42.100 of the Lincoln Municipal Code be amended
6 to read as follows:

7 **5.42.100 Retention of Items Purchased.**

8 No secondhand jewelry or secondhand watch purchased by a dealer in the regular
9 course of business shall be destroyed, damaged, or in any way defaced for ~~seventy-two hours~~
10 a period of fourteen days after purchased. Said dealer must be able to produce the
11 secondhand jewelry item or secondhand watch purchased, or initiate its recovery at anytime
12 during that ~~seventy-two hour~~ fourteen-day period, at the request of the Chief of Police.

13 Section 6. That Section 5.42.110 of the Lincoln Municipal Code be amended
14 to read as follows:

15 **5.42.110 ~~Minors~~ Restrictions on Property Accepted; Customer Fingerprint Required.**

16 ~~It shall be unlawful for any dealer to purchase any secondhand jewelry item or~~
17 ~~secondhand watch from a person under eighteen years of age.~~

18 (a) All persons who shall be engaged in the business of secondhand jewelry or
19 secondhand watch purchasing shall, in addition to the requirements of this chapter, maintain
20 and keep a single, legible fingerprint of each person selling secondhand jewelry or a
21 secondhand watch. The fingerprint shall be taken from the right index finger, or if the right
22 index finger is missing, from the left index finger. Each dealer shall display a notice to

1 customers, in a prominent location, stating that such dealer is required by municipal ordinance
2 to fingerprint every person selling secondhand jewelry or a secondhand watch.

3 (b) No dealer shall purchase any property:

4 (1) From any person who is under eighteen years of age or any person who
5 appears to be under the influence of alcohol, narcotic drugs, stimulant, or depressant, or who
6 appears to be mentally incompetent; or

7 (2) On which the serial numbers or other identifying insignia have been
8 destroyed, removed, altered, covered, or defaced.

9 Section 7. That Sections 5.34.050, 5.34.060, 5.42.070, 5.42.080, 5.42.100, and
10 5.42.110 of the Lincoln Municipal Code as hitherto existing be and the same are hereby
11 repealed.

12 Section 8. That this ordinance shall take effect and be in force from and after
13 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ____ day of _____, 2001:

Mayor